

### REMARKS

The Office Action mailed March 12, 2003 has been reviewed and carefully considered. Claim 1 is amended. Claims 1-3 and 5-20 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

In the Office Action mailed March 12, 2003, claims 1-3, 7, 11, 17, 18, and 20 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,213,638 (Rattner) in view of U.S. Patent No. 4,894,855 (Kresse) and FR 2 645 007 (Jarin).

The remainder of the claims stand rejected under 35 U.S.C. §103 as unpatentable over Rattner in view of Kresse and Jarin and further in view of various other references as listed in the Office Action.

Independent claim 1 is amended so that the x-ray device is connectable to a room.

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to an x-ray device for taking x-ray images of a patient supported on a table. As shown in Fig. 2 of the present application, the x-ray device includes an x-ray source 2 and an x-ray detector 3 which are attached to a rigid holding device 12. A supporting device 18 has one end connected to the holding device 12 and another end connectable to a support, i.e., the ceiling of the examining room, for supporting the holding device 12. The supporting device includes three supporting arms 15, 16, 17 which are serially connected by plane hinges 14. The hinges 14 allow movement of the holding device 12 within a plane defined by the supporting arms 15, 16, 17.

It is respectfully submitted that the combination of Rattner with Kresse and Jarin fails to disclose the supporting device recited in independent claim 1 because neither Rattner,

Kresse, nor Jarin discloses, teaches or suggests a supporting device for supporting a common holding device and having a plurality of hinged, serially interconnected supporting members which are interconnected with plane hinges, as recited in independent claim 1. Rattner discloses a x-ray device with a C-arm 1 to which an x-ray source 2 and an x-ray detector 3 are connected. As stated in the Office Action, the articulated arm 5 of Rattner which supports the C-arm 1 fails to disclose, teach or suggest the claimed supporting device.

The Examiner states that the hinges disclosed by Kresse are plane hinges and that those skilled in the art would be motivated to use the hinges taught by Kresse in the device of Rattner. However, the portion of Kresse cited by the Examiner (col. 2, line 61 - col. 3, line 2) states only that each supporting means includes two pivotally connected levers. There is no teaching that the levers are connected by a plane hinge. Accordingly, the combination of Rattner and Kresse fails to disclose plane hinges, as recited in independent claim 1.

Even if the support means of Kresse are considered to have plane hinges, the combination of Rattner and Kresse fails to teach or suggest the claimed supporting means for the common holding device. As stated in the MPEP §2141.02, the prior art must be considered in its entirety, including portions that would lead away from using the claimed invention. Furthermore, the prior art must include a suggestion or motivation to modify the references. That is, the prior art must include some rationale for combining the teachings of the references used in an obviousness rejection (see MPEP §2143.01). Kresse discloses an x-ray system having support means 5, 6, 7 for respectively supporting individual components of the system. That is, Kresse fails to disclose a common holding device as recited in the present invention. Since, Kresse does not disclose a common holding device, Kresse fails to teach a supporting device for a common holding device. Accordingly, the support means 5, 6, 7 of Kresse are not directly

substitutable for the articulated arm 5 of Rattner. Furthermore, Kresse discloses the use of support means 5, 6, 7 for supporting individual components of the x-ray device. Therefore, the combination of the teachings of Kresse and Rattner would result in a device in which the support means 5 of Kresse would be installed between the x-ray source 2 and the C-arm 1 of Rattner and another support means 6 of Kresse would be installed between the x-ray receiver 3 and the C-arm 1 of Rattner so that the x-ray source 2 and x-ray receiver 3 would be movable relative to each other. Accordingly, the combined teachings of Rattner and Kresse fail to teach the supporting device having "a plurality of hinged, serially interconnected supporting members, wherein the hinges connecting the supporting members are plane hinges", as recited in independent claim 1.

Jarin fails to teach or suggest what the combination of Rattner and Kresse lacks. The Examiner states that Jarin discloses individually controlled support members and that it would have been obvious to include these individually controlled supported members of Jarin in the device of Rattner. Jarin discloses a radiology apparatus with a stand having articulated arms. Each arm includes two sections connected by a pivotable joint. One arm supports the x-ray source and the other arm supports the x-ray detector. The support for the two arms of Jarin includes a hub 13 which can be turned about a horizontal shaft 14. The hub fails to teach or suggest a supporting device having "a plurality of hinged, serially interconnected supporting members, wherein the hinges connecting the supporting members are plane hinges", as recited in independent claim 1. Accordingly, the combination of Rattner, Kresse, and Jarin fails to teach or suggest the claimed supporting device for a common holding device, as recited in independent claim 1.

In view of the above amendments and remarks, it is respectfully submitted that independent claim 1 is allowable over Rattner in view of Kresse and Jarin.


Dependent claims 2-3 and 5-20, being dependent on independent claim 1, are allowable for at least the same reasons as independent claim 1.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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